

**OFFICE OF THE (**

OFFICE OF MANAGEMENT  
DIVISION OF GOVERNMENT

Department of Natural Resources  
ATTN: JANETTA PRITCHARD  
RETAINED LANDS  
3601 C Street, Suite 1090  
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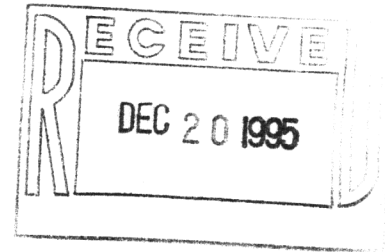
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December 19, 1995

Matthew Steinberger and Paul Packard  
dba Alaska Oyster Company  
P.O. Box 2403  
Soldotna, AK 99669-2403



Dear Messrs. Steinberger and Packard:

Subject: FINAL CONSISTENCY DETERMINATION  
**Alaska Oyster Company Aquatic Farm**  
STATE I.D. NUMBER AK9506-12AA

The Division of Governmental Coordination (DGC) has completed coordinating the State's review of your project for consistency with the Alaska Coastal Management Program (ACMP). On December 11th you were issued a proposed consistency finding for your project.

The project is to operate a commercial Pacific oyster farm. The oysters will be grown in lantern nets suspended from three (3) 325 foot longlines in an area measuring approximately 300 feet X 400 feet. A hardening area measuring 30 feet X 100 feet will also be included. No work rafts are proposed. The project is located at T. 2 S., R. 1 E., Section 33, Seward Meridian, near Hat Island, approximately 10 miles southeast of Seward in Resurrection Bay.

This final consistency determination, developed under 6 AAC 50, applies to the following State and federal authorizations:

U.S. Army Corps of Engineers (COE)  
General Permit No. 91-7

Alaska Department of Fish and Game (DFG)  
Aquatic Farm Operations Permit DFG 95-6-AF-SC

Alaska Department of Natural Resources (DNR)  
Aquatic Farmsite Permit or Lease, ADL 226566

Your project was reviewed for consistency by the Alaska Departments of Natural Resources, Environmental Conservation, and Fish and Game, and the Kenai Peninsula Borough. Based on

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modifications to your project that represent a consensus between you and the State, as provided for under 6 AAC 50.070(k), the State concurs with your certification that the project is consistent with the ACMP.

If changes to the approved project are proposed prior to or during its siting, construction, or operation, you are required to contact this office immediately to determine if further review and approval of the revised project is necessary.

The State reserves the right to enforce compliance with this final consistency finding if the project is changed in any significant way, or if the actual use differs from the approved use contained in the project description. If appropriate, the State may amend the State approvals listed in this final consistency finding.

**Other Concerns/Advisories:**

The Department of Fish and Game advises:

**Site Suitability**

- 1) Site surveys were not conducted by the department, based upon information supplied by the applicant and the existence of an operational oyster farm in the Resurrection Bay, the site appears suitable for growing Pacific oysters.
- 2) The farmsite area requested correlates with the production proposed in the development plan and the space required to fit the longline anchoring system inside the farm boundaries in the drawings submitted.
- 3) The site is in water deeper (average depth greater than 85 feet) than most aquatic farms statewide and relatively open to storm events. The department does not have data to make a determination on the physical suitability of the site for aquatic farming. The applicant is advised of the possibility that the combination of adverse weather conditions and water depth may render the site unsuitable for the activities proposed.

**Technical and Operational Feasibility**

- 1) The operational and development plans submitted demonstrated adequate technical feasibility and operational expertise.
- 2) The department is concerned that the proposed anchoring system (specifically the anchors in greater than 100 feet of water) will be insufficient to hold the gear and facilities proposed. Longlines and suspended culture gear have more drag than immediately apparent. Fouling significantly increases the force applied to suspended equipment by tidal current. The

applicant is advised of the department's concern. Standard permit conditions require that all gear and facilities be securely anchored and remain within farm boundaries. Grounding is not acceptable and is a violation of the terms of the permit.

The following project specific permit conditions will be included in the *Aquatic Farm Operation Permit* issued by the department.

Site Suitability

- 1) None.

Technical and Operational Feasibility

- 1) The farm equipment and gear must remain within the farm boundaries in the approved configuration. If problems should occur, the applicant shall contact the department prior to relocating or changing the design of the farm components.

These comments and conditions are provided in addition to ACMP and other determinations required to comply with statutory and regulatory obligations of the department regarding this project. Those determinations may result in a decision by the department to further condition or deny this permit application under those authorities and obligations.

Because of the popularity of Resurrection Bay with recreational boaters, the Kenai Peninsula Borough advises that the farmsite be marked clearly with buoys or lights to minimize potential hazards or conflicts.

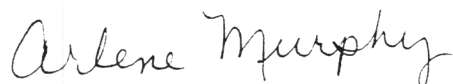
If cultural or paleontological resources are discovered as a result of this activity, we request that work which would disturb such resources be stopped and that the State Historic Preservation Office (762-2626) and the U.S. Army Corps of Engineers (COE) (753-2712) be contacted immediately so that consultation per section 106 of the National Historic Preservation Act may proceed.

Please be advised that although the State has found your project consistent with the ACMP, based on your project description and any stipulations contained herein, you are still required to meet all applicable State and federal laws and regulations. Your consistency determination may include reference to specific laws and regulations, but this in no way precludes your responsibility to comply with other applicable laws and regulations.

By a copy of this letter we are informing the COE of our determination.

If you have questions regarding this determination, please contact me at 269-7475.

Sincerely,



Arlene Murphy  
Project Review Coordinator

cc: Victoria Taylor, COE  
Tim Smith, SHPO, DNR  
Janetta Pritchard, DNR  
Jim Cochran, DFG, CFMD  
Tom Rutz, DFG, CFMD  
Jerry Ruehle, DOTPF  
Don McKay, DFG  
Mike Ostasz, DEC  
Mark Stahl, Chugach Alaska Corporation  
Don Gilman, Mayor, KPB  
Margaret Spahn, KPB  
Phil North, EPA  
Chris Degernes, DNR, DPOR  
Tamara Smid, UCIDF  
Duane H. Harp, USFS  
Master Chief Sutton, (OAN), USCG  
City Manager, City of Whittier  
Prince William Sound Aquaculture Corp.  
Jerome George, Anchorage  
Robert Linville, Seward